



APPROVED DECEMBER 1, 2004

**MINUTES  
SCOTTSDALE PLANNING COMMISSION  
KIVA – CITY HALL  
3939 N. DRINKWATER BOULEVARD  
NOVEMBER 10, 2004**

**PRESENT:** David Gulino, Chairman  
Steve Steinberg, Vice Chairman  
David Barnett, Commissioner  
James Heitel, Commissioner  
Eric Hess, Commissioner  
Steven Steinke, Commissioner

**ABSENT:** Jeffrey Schwartz, Commissioner

**STAFF:** Donna Bronski  
Suzanne Colver  
Tim Curtis  
Kroy Ekblaw  
Kurt Jones  
Richard Goecki  
Raun Keagy  
Deborah Robberson  
Al Ward  
Kira Wauwie

**CALL TO ORDER**

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

**ROLL CALL**

A formal roll call confirmed members present as stated above.

**APPROVED**

## **MINUTES APPROVAL**

October 27, 2004

**COMMISSIONER HEITEL MADE A MOTION TO APPROVE THE OCTOBER 27, 2004 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

## **EXPEDITED AGENDA**

22-UP-2004 (Well Site 86 Water Quality Improvements) request by City of Scottsdale, applicant, Desert Mountain Properties, owner, for a conditional use permit for a Municipal Use Master Site Plan for the City's Well Site 86 Water Quality Improvement Project on a 3.91 +/- acre parcel located at 37400 N. Cave Creek with Commercial Office, Environmentally Sensitive Lands (C-O ESL) and Open Space District, Environmentally Sensitive Lands (O-S ESL) zoning.

23-UP-2004 (Turquesa Equestrian Estates) request by Monogram Development, applicant, Ella Geiger Estate, owner, for a conditional use permit for a community recreation (equestrian) facility on a 5 +/- acre parcel located at 28701 N. 70<sup>th</sup> Street (northeast corner of Dale Lane and 70<sup>th</sup> Street) with Single Family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.

**CHAIRMAN GULINO** stated there has been a request to continue case 23-UP-2004.

**COMMISSIONER STEINKE MOVED TO CONTINUE CASE 23-UP-2004 TO THE DECEMBER 15, 2004, PLANNING COMMISSION MEETING. SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

24-UP-2004 (City of Scottsdale Water Treatment Facility Site 115) request by City of Scottsdale, applicant/owner, for a Municipal Use Master Plan for the City's Well Site 115 Water Quality Improvement Project on approximately 15 acres located at 21790 N. Hayden Road with Single Family Residential District (R1-35) zoning.

**COMMISSIONER BARNETT MOVED TO FORWARD CASES 22-UP-2004 AND 24-UP-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO IT MEETS THE USE PERMIT CRITERIA. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

18-ZN-2004 (Phase II Corporate Enhancement) request by Moosavi Design Group, applicant, Corporate Enhancement Group, owner, to amend I-1 building height and allow floor area ratio standards for a portion of a Planned Community Development District (PCD) on a 3 +/- acre parcel located at 8550 E. Anderson Drive with Industrial Park, Planned Community Development District (I-1 PCD) zoning.

**MR. WARD** presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

**VICE CHAIRMAN STEINBERG** requested information on the parking total for the entire project. Mr. Ward replied the total required parking for the two-building complex is 343. The total proposed parking spaces are around 373 parking spaces. He reported the parking would be verified in the Applicant's presentation.

**COMMISSIONER BARNETT** stated that this is the first application that he has seen that has comments from the Economic Vitality Department. Obviously, it is another City Department lobbying on behalf of the client saying this is a good deal and we need to increase building heights in this area. He inquired if this will be a typical thing for the Economic Vitality Department to comment every time there is a height request. Mr. Ward replied the reason the Economic Vitality Department is in on this particular application is to give a perspective from an economic vitality point of view that they will support the additional height, and there is the demand in this area

Commissioner Barnett stated that he did not understand why that point of view is in here because by definition a taller building would have more economic value. He further stated that their job as Planning Commissioners' has nothing to do with what the Economic Vitality Department tells us and so that is why he is confused that information is contained in the report. Mr. Jones explained that it is not intended to influence the Commission or planning staff. The purpose is to get as much information from other departments regarding the impacts of our recommendation.

**RAUF MOOSAVI**, Moosavi Design Group, 8958 E. Carol Way, provided a brief overview of the project. He reviewed the proposed heights. He addressed the parking issue noting that the city requires 343 spaces and they will be providing 373 spaces. He reviewed the height, floor area ratio, and design of the proposed buildings. He indicated that the site's proximity to the elevated Pima 101 Freeway helps to justify the requested building height for the site. He reported that neighbors' views would not be blocked to the west.

**VICE CHAIRMAN STEINBERG** inquired if Mr. Moosavi was the architect for the first building. Mr. Moosavi replied in the negative. Vice Chairman Steinberg inquired if the original site plan showed the two buildings at the same height. Mr. Moosavi replied that no one had proposed a second building it was always proposed as one building and Phase 2 was vacant land. Vice Chairman Steinberg inquired what the maximum height was stipulated for the Perimeter Center. Mr. Moosavi replied 36 foot to roof with four or five feet of mechanical equipment. Vice Chairman Steinberg stated there is a letter of support from the Perimeter Center that indicates they support the project subject to a complete design guideline review. He inquired if there is anyway that they can disapprove of the height. Mr. Moosavi replied they have already seen this project and support it 100 percent.

**S. CARLO VARAHRAMYAN**, Corporate Enhancement Group, discussed the economic development of this project. He provided information on the perspective tenants assigned for the future project. He also discussed the immediate need to get this 4-story building on the site.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)

**MIKE OSBORNE**, 8054 E. Rita Drive, stated that his concerns are regarding this project and the bank building, which is the next case. He expressed his concern regarding setting precedence for granting exceptions to the zoning. He further stated as long as the views are maintained for those to the west of the project that he would not have an objection. He also expressed his concern regarding increased traffic. He requested that the Commission keep in mind the precedent and traffic.

**JIM HALL**, 17761 N. 81<sup>st</sup> Way, stated he did not hear about this case until 2 days ago. He expressed his concern regarding the increased traffic. He reported that a new park is being put in this area that will also bring in a lot of traffic. He reported that he was told that the height limit in this area would not go above 36 feet, which has been broken twice already in this area.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 18-ZN-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER STEINKE.**

**CHAIRMAN GULINO** reported at the Commission study session we talked about this area and the Air Park and the Commission was unanimous that items like this not be done on a piecemeal basis because there are regional issues. He stated that he would support this because this type of development is proper given its proximity to the freeway. He further stated that he is hoping that in the

near future we will have a more comprehensive policy on how this area is going to be handled.

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

19-ZN-2004 (First National Bank Headquarters) request by Beus Gilbert PLLC, applicant, First National Bank Headquarters LLC, owner, to amend the I-1 building height for a portion of a Planned Community Development District (PCD) on a 16 +/- parcel located at 17600 N. Perimeter Drive with Industrial Park, Planned Community Development District (I-1 PCD) zoning.

**MR. CURTIS** presented this case as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

**JOHN BERRY**, 6750 E. Camelback Road, stated the First National Bank is the largest International Bank that is Arizona based and owned in the State of Arizona. He further stated that is it family owned. He reviewed the heights that exist in the area. He provided information on the neighborhood meetings. He explained that in terms of precedence, the precedence was set a long time ago. What they are asking for here is part of a 16.5-acre project to give them half an acre to put a building that will be 50 feet 7 inches for a major headquarters.

**CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)**

**JIM HALL**, 17761 N. 81<sup>st</sup> Way, presented information on the original zoning case noting that he was opposed to the ingress and egress that increased traffic on 82<sup>nd</sup> Street. He expressed his traffic concerns. He stated both are good neighbors and are good for Scottsdale. He further stated that his concern about the bank building is not about the extra height but that they will come back with another building with additional height. He requested the Commission protect the neighbors' interest.

**DAVID FULK**, 8131 E. Michelle Drive, stated he participated in the neighborhood outreach and as an architect, he had responded that there was discrepancy in what was being represented and they apologized and reevaluated it. He further stated they are not opposed to new businesses but expect adherence to certain standards. He remarked that he felt what the applicant is trying to accomplish could be done without the additional height. He further remarked that the community was not contacted about this meeting tonight. He concluded the height restriction is a zoning precedence and he did not want to see that disrupted.

**(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)**

**MR. BERRY** thanked Mr. Hall for coming out this evening and was sorry that he could not attend the two neighborhood meetings noting that he has given him his card and if he would like to discuss this further. He stated Mr. Fulk attended the first neighborhood meeting and provided some excellent suggestions and many were incorporated into the revised plan including the lowered height. He apologized if Mr. Fulk did not get a chance to see the revised plan and would be happy to talk to him after the meeting.

**COMMISSIONER BARNETT** complimented Mr. Berry and the applicants' on both of these projects. He stated that he felt both of these projects fit well in the area and are the types of businesses that Scottsdale wants to develop in the area. He thanked them for their business and choosing Scottsdale.

**COMMISSIONER STEINKE** stated the regional concerns would be better addressed in a global way by looking at the regional use overlay and trying to define an outline in terms of height and any other parameters that need review rather than one item at a time. He further stated that these are good projects. He expressed the need to address this type of project on a larger basis.

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 19-ZN-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**CHAIRMAN GULINO** commented on the previous case, in the staff report the date on the site plan does not match the date in the stipulations.

22-ZN-2004 (W Hotel Scottsdale) request by Beus Gilbert PLLC, applicant, Downtown Scottsdale Development LLC, owner, to rezone from Highway Commercial, Downtown Overlay District (C-3 DO), Central Business, Parking, Downtown Overlay District (C-2 P-3 DO), and Automotive Parking, Downtown Overlay District (p-2 DO) to Downtown/Office Residential District Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO) with amended development standards on approximately 2.2 acre parcel located on the southeast corner of Brown Avenue and Camelback Road.

19-AB-2004 (W Hotel Scottsdale) request by Beus Gilbert PLLC, applicant, Downtown Scottsdale Development LLC, owner, to abandon the existing alley located on the west side of N. Buckboard Trail near the intersection of Camelback Road and Buckboard Trail.

**MR. GRANT** presented cases 22-ZN-2004 and 19-AB-2004 as per the project coordination packet. Staff recommends approval, subject to the attached stipulations.

**CHAIRMAN GULINO** requested information on how the parking credit works. Mr. Grant explained how the parking credit system works.

**JOHN BERRY**, 6750 E. Camelback Road, provided background information on this site. He further stated this project will be a \$70 million investment on this site. He reported this project is on a tight time schedule. He further reported this has been reviewed by the DR Board and unanimously approved. He remarked this project has community support. He further remarked it is a great use to anchor the entertainment district.

**MICHAEL MAHONEY** discussed the trends in the hospitality industry. He also discussed the W brand and where other W Hotels are located. He provided information on the product noting it caters to the new trends in the hospitality industry. He remarked he felt this would be a great benefit to the area. He complimented the city staff for working with them and getting this request expedited.

**JEFF TILL**, Hornberg & Worstell Architects, provided an overview of the project. He discussed the strong pedestrian environment. He presented information on the Camelback Road façade treatment and setback. He reviewed the proposed building scale and massing relationship to the development standards. He also reviewed the circulation on the site. He described the entrance function with porte-cochere. He discussed the retail portion of the project. He reviewed the pedestrian access points. He reviewed the required standards and the amended development standards.

**VICE CHAIRMAN STEINBERG** asked a series of questions regarding pedestrian and vehicle access to the entrance of the hotel. Mr. Till discussed the pedestrian access and noted that pedestrians will not feel like they are competing with the automobiles to enter the building. He provided information on the pedestrian experience upon arrival noting it would be a welcoming experience. Mr. Berry showed on the graphic the area dedicated at the entrance to the automobile. He also showed on the graphic the pedestrian area noting that it is open.

CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)

**JACKIE WEINSTEIN**, 4255 N. Winfield Scott, spoke in support of these requests. She stated she is a business owner in this area. She further stated that the business owners in the area are very supportive of the W Hotel.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)

**COMMISSIONER HEITEL** stated this is another great example of the great things going on in downtown Scottsdale. He further stated that it is a very innovative design on a very tough site.

**COMMISSIONER HEITEL MOVED TO FORWARD CASES 22-ZN-2004 AND 19AB-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS**

**CHAIRMAN GULINO** stated that his office is in the neighborhood and it is good to see something done with the vacant land. He further stated this will be great for downtown Scottsdale and will energize the area.

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

6-TA-2004 (Sign Ordinance Text Amendment) request by City of Scottsdale, applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article VIII.

**MR. GOECKE** presented this case as per the project coordination packet. Staff recommends approval of this text amendment as presented.

**COMMISSIONER HEITEL** inquired if the scenic corridors are included in the definition of right-of-way. Mr. Grant replied in the negative. He reported there has been an application made to amend the text for the scenic corridor section that would further refine the size and location of those signs that staff will bring forward separately.

**COMMISSIONER BARNETT** stated in general we are all fans and it is something the citizens have wanted for a long time. He further stated there is the issue of people not taking them down fast enough and there is still not a negative incentive for people to take the signs down. Mr. Keagy reviewed the City policy regarding getting the signs down. He reported the City does have the ability to provide fines and sanctions but have not felt it was necessary at this point.

**CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)**

**HOWARD MYERS**, 6631 E. Horned Owl Trail, representing Friends of the Scenic Drive, showed pictures of sign problems in the area. He further stated that this ordinance is something that people have wanted for a long time. He discussed the traffic and safety issue related to the signs. He also discussed the negative impacts of the signs. He noted the signs create litter problems. He reported there are many ways for candidates in this day and age to create name recognition without the use of political signs.



**MICHAEL MERRILL**, 8713 E. Vernon Avenue, stated that he does not agree with banning political signs in the right-of-way as the solution. He further stated that he would take a different approach. He suggested banning political signs on the scenic corridors and on the greenbelt system. He also suggested the city provide a designated area for political signs. He reported that he does see the value in political signs.

(CHAIRMAN GULINO OPENED PUBLIC TESTIMONY)

**COMMISSIONER BARNETT** inquired if staff has discussed banning political signs on public property. Mr. Robberson stated that there is an ordinance provision that disallows signs of any kind on public property.

**COMMISSIONER HEITEL** inquired if signs would be allowed in the greenbelt area. Mr. Ekblaw replied in the negative noting that would be followed up on and clarified.

**CHAIRMAN GULINO** inquired if the changes would affect people who use the banner on Scottsdale road for their events. Mr. Grant replied the provision in the sign ordinance that deals with public information banners remains the same.

Chairman Gulino stated in the course of his business they are required by County Health Department as part of the dust control permits during construction to place temporary sign that are most likely in the right-of-way. He further stated that he would like to ensure that is covered. Mr. Grant replied that is covered and the intent is that signs that communicate a public interest or safety interest are allowed.

**COMMISSIONER HEITEL MOVED TO FORWARD CASE 6-TA-2004 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

### **ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at approximately 7:30 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

APPROVED